

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE INTUNIV ANTITRUST LITIGATION Civil Action No. 16-cv-12653-ADB (Lead)

This Document Relates to:
Direct Purchaser Actions

**ORDER APPROVING DIRECT PURCHASER CLASS
PLAINTIFF'S DISTRIBUTION OF THE NET SETTLEMENT FUND**

Upon consideration of Direct Purchaser Class Plaintiff's Motion for an Order Approving Distribution of the Net Settlement Fund dated August 6, 2021, the Memorandum in Support, and Declaration of the Court-appointed claim administrator A.B. Data, Ltd.'s Senior Vice President Eric Miller in support of the motion, and any other supporting papers or briefing made in connection therewith:

WHEREAS, the Court previously issued an Order Granting Final Judgment and Order of Dismissal Approving Direct Purchaser Class Settlement with Actavis and Dismissing Direct Purchaser Class Claims Against Actavis (ECF No. 551) ("Final Approval Order"), approving the \$19.9 million settlement between the Direct Purchaser Class and Actavis Elizabeth LLC, Actavis LLC, and Actavis Holdco US, Inc. ("Actavis");

WHEREAS, pursuant to the Court-approved of Plan of Allocation (ECF No. 480-07), A.B. Data sent pre-populated Proof of Claim and Release Forms ("claim forms") to each of the 48 Class members by U.S. First Class Mail, UPS, and/or email, setting forth the calculation of each of the 48 Class member's qualifying net purchases of brand Intuniv from November 15, 2012, through February 29, 2016, and generic Intuniv direct purchases from December 1, 2014, through June 1, 2015;

WHEREAS, A.B. Data, with the assistance of Class Counsel, followed up with each of the four Class members who declined to submit a claim form or otherwise assert a claim for

participation in the Net Settlement Fund;

WHEREAS an unpopulated (blank) copy of the claim form was posted on the settlement website, www.IntunivAntitrustSettlement.com;

WHEREAS, A.B. Data received valid, accepted claims from two entities who are Class members by virtue of holding a valid assignment of claims from a Class member;

WHEREAS, A.B. Data has received valid, accepted claim forms from a total of 46 claimants who are eligible for participation in the Net Settlement Fund (Class members or their assignees) and, with the assistance of Class Counsel's economic consultant Econ One, has calculated each of these Claimants' qualifying net purchases of brand and generic Intuniv for the claim period set forth in the Plan of Allocation (November 15, 2012, through February 29, 2016, for brand Intuniv and December 1, 2014, through June 1, 2015, for generic Intuniv);

WHEREAS, A.B. Data, with the assistance of Class Counsel's economic consultant Econ One, in accordance with the Plan of Allocation, determined the *pro rata* percentages of the Net Settlement Fund allocated to each of the valid 46 Claimants;

WHEREAS, A.B. Data has incurred administration fees of \$22,615.19 and anticipates incurring an additional \$8,201.50 in fees and expenses for distributing the Net Settlement Fund and completing the administration of this Settlement;

WHEREAS A.B. Data does not expect to owe taxes in connection with the claims administration or the Net Settlement Fund;

WHEREAS, Econ One has incurred fees and expenses totaling \$25,472.50 for professional services in connection with the claims administration, including calculating the figures used in the prepopulated claim forms, reviewing and analyzing data submitted by Claimants, and calculating the *pro rata* share of the Net Settlement Fund due to each Claimant that filed a valid, accepted claim;

WHEREAS, as set forth in the Final Approval Order, the Court has retained jurisdiction over the Settlement and the Settlement Agreement, including the administration and consummation of the Settlement and over the Final Approver Order;

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

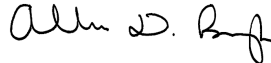
1. The administrative determinations of A.B. Data concerning the claims submitted in this case as set forth Declaration of A.B. Data's Eric Miller are hereby APPROVED.
2. Payment from the Net Settlement Fund in the amount of \$30,816.69 to A.B. Data for fees and expenses associated with the claims administration process is hereby APPROVED.
3. Payment from the Net Settlement Fund in the amount of \$25,472.50 to Econ One for fees and expenses associated with the claims administration process is hereby APPROVED.
4. Payment from the Net Settlement Fund of any taxes owed in connection with the claims administration or the Net Settlement Fund is hereby APPROVED.
5. The entire Net Settlement Fund, including all interest earned and less the payments to A.B. Data and Econ One and any taxes owed, shall be distributed to the 46 Claimants whose claims have been accepted by A.B. Data in accordance with the Claimant's instructions. A.B. Data shall distribute to each Claimant its *pro rata* percentage share of the Net Settlement Fund as computed by Econ One in accordance with the Plan of Allocation.
6. No additional claim forms, beyond the 46 valid, accepted claim forms previously received and accepted by A.B. Data shall be accepted, and any additional or further claims against the Net Settlement Fund beyond those that have already been received and accepted, including by any of the 46 Claimants, are finally and forever barred. Class members and claimants, and their assignees, whether or not they are to receive payment from the Net Settlement Fund, are hereby barred from making any further claim against the Net Settlement Fund beyond the amount, if any, allocated to them during the claims administration process.

7. Direct Purchaser Class Plaintiff, Class Counsel, Econ One, A.B. Data, and all persons who were involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims in this action, or who are otherwise involved in the administration of the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement.

8. Class Counsel, A.B. Data, and Econ One are hereby authorized to discard (i) paper or hard copies of Claim Forms and related documents not less than one year after the distribution of the Net Settlement Fund to the 46 Claimants with accepted claims; and (ii) electronic media or data not less than three years after the distribution of the Net Settlement Fund to the 46 Claimants with accepted claims.

9. The Court retains jurisdiction over any further application or matter which may arise in connection with the administration of this settlement.

SO ORDERED this 12 day of August, 2021



ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE